

CHAPTER 25

RULES FOR EXPANDED NEWS MEDIA COVERAGE

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CHAPTER 25

RULES FOR EXPANDED NEWS MEDIA COVERAGE

Rule 25.1 Definitions. As used in this chapter:

25.1(1) “*Expanded news media coverage*” includes broadcasting, recording, photographing, and live electronic reporting of judicial proceedings by the news media for gathering and disseminating news in any medium. Expanded news media coverage is limited to the news media unless otherwise ordered by the judicial officer.

25.1(2) “*Good cause*” for purposes of exclusion under this chapter means that coverage will have a substantial effect upon the objector that would be qualitatively different from the effect on members of the public in general.

25.1(3) “*Judicial officer*” means the magistrate, district associate judge, or district judge presiding in a trial court proceeding, or the presiding judge or justice in an appellate proceeding.

25.1(4) “*Judicial proceedings*” or “*proceedings*” includes all public trials, hearings, or other proceedings in a trial or appellate court, for which expanded news media coverage is requested, except those specifically excluded by this chapter.

25.1(5) “*News media*” includes any person who regularly gathers, prepares, photographs, records, writes, edits, reports, or publishes news or information about matters of public interest in any medium and who successfully applies to participate in expanded news media coverage and agrees to comply with all court rules.

25.1(6) “*News media coordinator*” includes news media coordinating councils as well as the designees of such coordinators or councils.

[Court Order November 9, 2001, effective February 15, 2002; April 2, 2014, effective May 1, 2014]

Rule 25.2 General. Expanded news media coverage of judicial proceedings will be permitted under the following conditions:

25.2(1) Prior authorization. No expanded news media coverage shall occur without prior express authorization from the judicial officer, who may prescribe conditions of coverage as provided in this chapter.

25.2(2) Rights to a fair trial. Expanded news media coverage of a proceeding is permitted, unless the judicial officer concludes, for reasons stated on the record, that under the circumstances of the particular proceeding, such coverage would materially interfere with the rights of the parties to a fair trial.

25.2(3) Coverage of witnesses.

a. Expanded news media coverage of a witness may be refused by the judicial officer upon objection and showing of good cause by the witness.

b. In prosecutions for sexual abuse, or for charges in which sexual abuse is an included offense or an essential element of the charge, no expanded news media coverage of the testimony of a victim witness is permitted unless such victim witness consents.

c. Objection by a victim or witness in any other forcible felony prosecution, and by police informants, undercover agents, and relocated witnesses, shall enjoy a rebuttable presumption of validity. The presumption is rebutted by a showing that expanded news media coverage will not have a substantial effect upon the particular individual objecting to such coverage that would be qualitatively different from the effect on members of the public in general.

25.2(4) Initial appearances in criminal proceedings.

a. Oral or written requests for expanded news media coverage of initial appearances in criminal proceedings must be made to the judicial officer presiding over the proceeding. Such expanded news media coverage, if authorized by the judicial officer, is subject to objection by the prosecutor, defendant, or defendant’s attorney.

b. The defendant shall be advised by the judicial officer of the defendant’s right to orally object to expanded news media coverage prior to the commencement of the proceeding, and any such objection will be heard and determined by the judicial officer prior to the commencement of the proceeding. The judicial officer may rule on the basis of the oral objection alone.

c. A judicial officer’s authorization of expanded news media coverage of an initial appearance applies only to the particular initial appearance. Authorization for expanded news media coverage of proceedings subsequent to the initial appearance must be requested separately under rule 25.3(2)(b).

25.2(5) *Private court proceedings.* Expanded news media coverage is prohibited for any court proceeding which, under Iowa law, is required to be held in private. Coverage is prohibited in any juvenile, dissolution, adoption, child custody, or trade secret cases unless consent on the record is obtained from all parties, including a parent or guardian of a minor child.

25.2(6) *Jury selection.* Expanded news media coverage of jury selection is prohibited. Expanded news media coverage of the return of the jury's verdict shall be permitted. In all other circumstances, however, expanded news media coverage of jurors is prohibited except to the extent it is unavoidable in the coverage of other trial participants or courtroom proceedings. The policy of the rules in this chapter is to prevent unnecessary or prolonged photographic or video coverage of individual jurors.

25.2(7) *Court conferences.* There shall be no audio pickup or broadcast of conferences in a court proceeding between attorneys and their clients, between co-attorneys, between attorneys and the judicial officer held at the bench or in chambers, or between judicial officers in an appellate proceeding.

25.2(8) *Equipment.* The quantity and types of equipment permitted in the courtroom are subject to the discretion of the judicial officer within the guidelines set out in this chapter.

25.2(9) *Variance application.* Notwithstanding the provisions of any of the procedural or technical rules in this chapter, the judicial officer, upon application of the news media coordinator, may permit the use of equipment or techniques at variance with the rules, provided the application for variance is included in the advance notice of coverage provided for in rule 25.3(2). Objections, if any, shall be made as provided in rule 25.3(3). Ruling upon such a variance application is in the sole discretion of the judicial officer, who may allow such variances without advance application or notice if all attorneys and parties consent to the variance.

25.2(10) *Limiting coverage during proceeding.* The judicial officer may, as to any or all news media participants, limit or terminate expanded news media coverage at any time during the proceedings in the event the judicial officer finds that rules established under this chapter, or additional rules imposed by the judicial officer, have been violated or that substantial rights of individual participants or rights to a fair trial will be prejudiced by such manner of expanded news media coverage if it is allowed to continue.

25.2(11) *Limited to news media.* The privileges of expanded news media coverage provided for in these rules may be exercised only by persons or organizations that are part of the news media.

25.2(12) *Identification.* All news media personnel authorized to use electronic devices in the courtroom must wear identification, which is clearly visible to the judicial officer and members of the jury and which states the person's name and media affiliation.

25.2(13) *Ceremonial proceedings.* A judicial officer may authorize expanded news media coverage of investitive or ceremonial proceedings at variance with the procedural and technical rules of this chapter as the judicial officer sees fit.

[Amended by Court Order September 26, 1984, effective October 10, 1984; November 9, 2001, effective February 15, 2002; April 2, 2014, effective May 1, 2014]

Rule 25.3 Procedural.

25.3(1) *News media coordinator and coordinating councils.* News media coordinators will be appointed by the supreme court from a list of nominees provided by a representative of the news media whom the supreme court designates. The judicial officer and all interested members of the news media will work, whenever possible, with and through the appropriate news media coordinator regarding all arrangements for expanded news media coverage. The supreme court will designate the jurisdiction of each news media coordinator. In the event a news media coordinator has not been nominated or is not available for a particular proceeding, the judicial officer may deny expanded news media coverage or may appoint an individual from among local working representatives of the news media to serve as the coordinator for the proceeding.

25.3(2) *Advance notice of coverage.*

a. All requests for expanded news media coverage in all proceedings, except initial appearances in criminal cases, shall be made to the news media coordinator. The news media coordinator, in turn, shall inform the attorneys for all parties and the judicial officer at least seven days in advance of the time the proceeding is scheduled to begin, but these times may be extended or reduced by court order. When the proceeding is not scheduled at least seven days in advance, the news media coordinator or news media coordinating council must give notice of the request as soon as practicable after the proceeding is scheduled.

b. Notice must be filed electronically or by paper copy with the appropriate clerk of court. A copy of the notice shall be sent electronically, delivered by ordinary mail, or delivered in person to the last known contact of all attorneys of record, parties appearing without attorney representation, the appropriate court administrator, and the judicial officer expected to preside at the proceeding for which expanded news media coverage is requested.

c. A separate request for expanded news media coverage must be made for Iowa Supreme Court and Iowa Court of Appeals oral arguments, pursuant to rule 25.5.

d. Form 1 in rule 25.10 is the notice form for the news media coordinator to use to inform the attorneys for all parties and the judicial officer of a request for expanded news media coverage of the proceeding.

25.3(3) Objections.

a. A party to any proceeding, except an initial appearance in a criminal case, objecting to expanded news media coverage under rule 25.2(2) must file a written objection, stating the grounds for objection, at least three days before commencement of the proceeding.

b. All witnesses must be advised by the attorney proposing to introduce their testimony of their right to object to expanded news media coverage, and all objections by witnesses under rule 25.2(3) must be filed prior to commencement of the proceeding.

c. Witnesses shall be entitled to the assistance of the clerk of court in providing copies of this objection to all attorneys of record, parties appearing without attorney representation, the news media coordinator for the judicial district, the district court administrator for the judicial district, and the judicial officer expected to preside in the proceeding.

d. All objections shall be heard and determined by the judicial officer prior to the commencement of the proceedings. The judicial officer may rule on the basis of the written objection alone.

e. The objecting party or witness, and all other parties, may be afforded an opportunity to present additional evidence by affidavit or by such other means as the judicial officer directs. The judicial officer in absolute discretion may permit presentation of such evidence by the news media coordinator in the same manner.

f. Time for filing of objections may be extended or reduced in the discretion of the judicial officer, who also, in appropriate circumstances, may extend the right of objection to persons not specifically provided for in this chapter.

g. Form 2 in rule 25.10 is the form for parties and Form 3 is the form for witnesses to use to object to expanded news media coverage of the proceeding.

[Court Order November 9, 2001, effective February 15, 2002; May 27, 2010; April 2, 2014, effective May 1, 2014; April 29, 2014, effective May 1, 2014]

Rule 25.4 Technical.

25.4(1) Equipment specifications. Equipment used by the news media in courtrooms during judicial proceedings must be unobtrusive and must not produce distracting sound. In addition, such equipment must satisfy the following criteria, where applicable:

a. *Still cameras.* Still cameras and lenses must be unobtrusive and not cause distracting light or sound.

b. *Television cameras and related equipment.* Television cameras, together with any related equipment to be located in the courtroom, must be unobtrusive in both size and appearance, without distracting sound or light. Television cameras are to be designed or modified so that participants in the judicial proceedings are unable to determine when recording is occurring.

c. *Audio equipment.* Microphones, wiring, and audio recording equipment must be unobtrusive and of adequate technical quality to prevent interference with the judicial proceeding being covered. The judicial officer must approve any changes in existing audio systems. No modifications of existing systems shall be made at public expense. Microphones for attorneys and judicial officers to use must be equipped with off/on switches to facilitate compliance with rule 25.2(7).

d. *Electronic devices.* All electronic devices used for recording audio, video, or still images must adhere to rule 25.4(3)(a). All other electronic devices not used for recording audio, video, or still images must be unobtrusive and not cause distracting light or sound, and are not subject to the limitations of rule 25.4(3)(a). Electronic devices include, but are not limited to, laptop computers, cellular telephones, personal digital assistants, smart phones, and tablet computers.

e. *Advance approval.* It is the duty of news media personnel to demonstrate to the judicial officer reasonably in advance of the proceeding that the equipment sought to be utilized meets the criteria set forth in this rule. Failure to obtain advance judicial approval for equipment may preclude its use

in the proceeding. All news media equipment and personnel must be in place at least fifteen minutes prior to the scheduled time of commencement of the proceeding.

25.4(2) *Lighting.* Other than light sources already existing in the courtroom, no flashbulbs or other artificial light device of any kind shall be employed in the courtroom. With authorization from the judicial officer modifications may be made in light sources existing in the courtroom (e.g., higher wattage lightbulbs), provided such modifications are installed and maintained without public expense.

25.4(3) *Equipment and pooling.* The following limitations on the amount of equipment and number of photographic and broadcast news media personnel in the courtroom apply:

a. Video recording, audio recording, and still photography. Not more than five total members of the news media using still cameras, television cameras, audio recorders, and electronic devices, or any combination of the four, to photograph, video, or record audio are permitted in the courtroom during a judicial proceeding. Each still photographer may use two camera bodies each with a fixed lens or one camera body and two lenses. Where possible, all recording and broadcasting equipment that is not a component part of a camera or an electronic device and any operating personnel shall be located outside of the courtroom. Audio pickup for broadcast coverage must be accomplished from any existing audio system present in the courtroom if such pickup would be technically suitable for broadcast.

b. Electronic devices not used for recording audio, video, or still images. The devices defined in rule 25.4(1)(d) may be used in the courtroom by members of the news media for live electronic reporting with advance approval from the judicial officer, provided the equipment does not make any disruptive noise or interfere with court equipment. Electronic devices may not be used for telephone calls by anyone in the courtroom. Electronic devices for photography, video recording, audio recording, or streaming video may not be used by anyone in the courtroom unless approved by the judicial officer in advance of the proceeding as defined in rule 25.4(3)(a). The rule applies to news media only as defined in rule 25.1. Use of such electronic devices by others is prohibited.

c. Pooling. Where the above limitations on equipment and personnel make it necessary, the news media shall be required to pool equipment and personnel. Pooling arrangements are the sole responsibility of the news media coordinator, and the judicial officer will not mediate any dispute as to the appropriate news media representatives authorized to cover a particular judicial proceeding. Representatives of news media are responsible for contributing to electronic pool coverage of judicial proceedings when necessary. If a news organization is incapable of contributing to pool coverage, the news media coordinator may allow the news organization to share the pool coverage or may restrict the news organization's coverage.

25.4(4) *Location of equipment and personnel.* Equipment and operating personnel, including news media using electronic devices to transmit and receive data communication, must be located in, and coverage of the proceedings must take place from, an area or areas the judicial officer designates within the courtroom. The area or areas designated shall provide reasonable access to the proceeding to be covered.

25.4(5) *Movement during proceedings.* Television cameras and audio equipment may be installed in or removed from the courtroom only when the court is not in session. In addition, such equipment shall at all times be operated from a fixed position. News media personnel are prohibited from moving about the courtroom while proceedings are in session and from engaging in any movement that attracts undue attention.

25.4(6) *Decorum.* All news media personnel shall be properly attired and shall maintain proper courtroom decorum at all times while covering a judicial proceeding.

[Court Order October 9, 1975; December 22, 1981 — received and published May 1982; July 19, 1989; March 9, 1994, effective April 1, 1994; November 9, 2001, effective February 15, 2002; April 2, 2014, effective May 1, 2014]

Rule 25.5 Supreme court and court of appeals.**25.5(1)** *Expanded news media coverage of oral arguments.*

a. All regularly scheduled Iowa Supreme Court and Iowa Court of Appeals oral arguments will be available for streaming over the Internet and expanded news media coverage. The rules in this chapter allowing objections to expanded news media coverage do not apply to supreme court and court of appeals oral arguments.

b. The prohibitions in rule 25.2(5) on the types of cases subject to expanded news media coverage do not apply to supreme court and court of appeals oral arguments.

25.5(2) *Expanded news media coverage.*

a. The rules in this chapter pertaining to expanded news media coverage apply only to news media coverage occurring within the supreme court and court of appeals courtrooms. Recordings of supreme court and court of appeals oral arguments made from other locations within the judicial building are not subject to the rules on expanded news media coverage.

b. A written request for expanded news media coverage within the supreme court and court of appeals courtrooms must be filed with the clerk of the supreme court no later than the Friday immediately preceding the week in which the argument is to be held.

c. Form 4 in rule 25.10 is the notice form for the news media coordinator to use to inform the attorneys for all parties and the presiding justice or judge of a request for expanded news media coverage of the oral argument.

[Court Order February 17, 2006; April 9, 2009; April 2, 2014, effective May 1, 2014; April 29, 2014, effective May 1, 2014]

Rules 25.6 to 25.9 Reserved.

Rule 25.10 Forms.**Rule 25.10—Form 1: *News Media Coordinator's Notice of Request for Expanded News Media Coverage of Trial or Proceeding***

- The expanded news media coordinator uses this form to give notice of a request for expanded news media coverage to the attorneys for all parties and the judicial officer at least seven days before the proceeding begins.
- A separate request for expanded news media coverage must be made for appellate court arguments.

In the Iowa District Court for _____ County
County where you are filing this form

<p>_____ Plaintiff <i>Full name: first, middle, last</i></p> <p>vs.</p> <p>_____ Defendant <i>Full name: first, middle, last</i></p>	<p>No. _____</p> <p>News Media Coordinator's Notice of Request for Expanded News Media Coverage of Trial or Proceeding</p>
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The undersigned news media coordinator states as follows:

1. Certain representatives of the news media want to use: *Check each that applies*
 - A. ☐ Photographic equipment,
 - B. ☐ Television cameras,
 - C. ☐ Electronic sound recording equipment, or
 - D. ☐ Other electronic devices,

in courtroom coverage of the above proceeding.
2. The trial or proceeding to be covered by expanded news media coverage is scheduled for the _____ day of _____, 20____, at _____ ☐ a.m. at the _____
Day Month Year Time p.m. County
County Courthouse, _____, Iowa. The request for expanded news media
City
coverage includes every part of such proceeding as allowed under Chapter 25 of the Iowa Court Rules.
3. The request for expanded news media coverage is described as follows (for example, the number of photographers with still cameras):

Continued on next page

Rule 25.10—Form 1: *News Media Coordinator's Notice of Request for Expanded News Media Coverage of Trial or Proceeding*, continued

4. This notice of request for expanded news media coverage is filed: *Check one*
- A. ☐ At least seven days in advance of the proceeding for which expanded news media coverage is requested; or
- B. ☐ This notice cannot be filed within seven days of the proceeding because of the following reasons:

5. A copy of this notice will be sent electronically, delivered by ordinary mail, or delivered in person to the last known address of all attorneys of record, parties appearing without attorney representation, the district court administrator for this judicial district, and the judicial officer expected to preside at the trial or proceeding for which expanded news media coverage is requested, as follows:

Attorneys: _____

Parties appearing without attorney representation: _____

District court administrator: _____

Presiding judge: _____

6. The undersigned news media coordinator requests expanded news media coverage of this proceeding as described in this notice.

/s/ _____
News media coordinator's signature

News media coordinator's printed name

 _____ Judicial District of Iowa

Mailing address

City *State* *ZIP code*

(_____) _____
Phone number

Email address

Additional email address, if available

Rule 25.10—Form 2: *Objection of Party to Expanded News Media Coverage of Trial or Proceeding*

- This form is used when a party to the proceeding objects to expanded news media coverage of a trial or proceeding.
- The party's objection must be filed three days before the start of the proceeding in the court in which the proceeding will be held.

In the Iowa District Court for _____ County

County where you are filing this form

Plaintiff *Full name: first, middle, last*

vs.

Defendant *Full name: first, middle, last*

No. _____

Objection of Party to Expanded News Media Coverage of Trial or Proceeding

The undersigned party, or the party identified below, in this proceeding states as follows:

1. There is a request for expanded news media coverage of this proceeding.
2. There is good cause to believe that expanded news media coverage, under the particular circumstances of this proceeding, would materially interfere with the right of the party to a fair trial. The following specific facts and circumstances support this objection:

3. This objection is filed at least three days before the start of the proceeding for which expanded news media coverage is requested.
4. A copy of this objection has been sent electronically, delivered by ordinary mail, or delivered in person to the last known address of all attorneys of record, parties appearing without attorney representation, the district court administrator for this judicial district, and the judicial officer expected to preside at the trial or proceeding for which expanded news media coverage is requested.
5. The party objects to expanded news media coverage of this proceeding for the reasons stated above.

Print full name of party

/s/

Filing party (or attorney, if applicable)

Law firm, or entity for which filing is made, if applicable

Mailing address

City State ZIP code

() _____
Phone number

Email address

Additional email address, if available

Rule 25.10—Form 3: *Objection of Witness to Expanded News Media Coverage of Testimony*

- A witness called to testify in a proceeding uses this form to object to expanded news media coverage of the testimony of the witness.
- An objection of the witness to expanded news media coverage of the testimony of the witness must be filed with the court at least three days before commencement of the proceeding.

In the Iowa District Court for _____ County

County where you are filing this form

Plaintiff *Name*

vs.

Defendant *Name*

No. _____

**Objection of Witness to Expanded
News Media Coverage of Testimony**

The undersigned witness, or witness identified below, in this proceeding states as follows:

1. Expanded news media coverage is requested for this proceeding, which is scheduled to begin in the near future.
2. The witness expects to be called to testify in this case.
3. The witness objects to expanded news media coverage of testimony of the witness for the following specific reasons:

4. The witness understands this objection must be filed with the clerk of court at least three days before commencement of the proceeding.
5. The witness asks the clerk of court for assistance in providing copies of this objection to all attorneys of record, parties appearing without attorneys, the media coordinator for this judicial district, the district court administrator for this judicial district, and the judicial officer expected to preside in this proceeding.
6. The witness objects to expanded news media coverage of testimony of the witness for the reasons stated above.

Print full name of witness

/s/ _____

Filing witness (or attorney if applicable)

Note: A witness may file this form in paper with the clerk of court under Iowa Court Rule 16.302(2), providing exceptions from electronic filing.

Law firm, or entity for which filing is made, if applicable

Mailing address (optional for witness)

If you need assistance to participate in court due to a disability, call the disability coordinator (information at www.iowacourts.gov/Representing_Yourself/ADAAccess). Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). **Disability coordinators cannot provide legal advice.**

City State ZIP code

(_____) _____
Phone number (optional for witness)

Email address (optional for witness)

Rule 25.10—Form 4: *News Media Coordinator's Notice of Request for Expanded News Media Coverage of Appellate Court Proceeding*

- A separate request for expanded news media coverage must be made for appellate court oral arguments.
- A written request for expanded news media coverage within the supreme court and court of appeals courtrooms must be filed with the clerk of the supreme court no later than the Friday immediately preceding the week in which the argument is to be held.

In the Iowa Appellate Courts

<p>_____</p> <p><i>List Appellant or Appellee as captioned in the appeal</i></p> <p>vs.</p> <p>_____</p> <p><i>List Appellant or Appellee as captioned in the appeal</i></p>	<p>Appellate Case No. _____</p> <p>News Media Coordinator's Notice of Request for Expanded News Media Coverage of Appellate Court Proceeding</p>
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The undersigned news media coordinator states as follows:

1. Certain representatives of the news media want to use: *Check each that applies*
 - A. ☐ Photographic equipment,
 - B. ☐ Television cameras,
 - C. ☐ Electronic sound recording equipment, or
 - D. ☐ Other electronic devices,

in courtroom coverage of appellate proceedings in the case identified above.
2. The proceeding to be covered by expanded news media coverage is scheduled for the ____ day of _____, 20____, at ____ ☐ a.m. ☐ p.m. at the Iowa Judicial Branch

Day
Month
Year
Time

Building in Des Moines, Iowa. The oral argument will be held before the

☐ Iowa Supreme Court; or

☐ Iowa Court of Appeals

The request for expanded news media coverage includes every part of such proceeding as allowed under Chapter 25 of the Iowa Court Rules.
3. The request for expanded news media coverage is described as follows (for example, the number of photographers with still cameras):

Continued on next page

Rule 25.10—Form 4: *News Media Coordinator's Notice of Request for Expanded News Media Coverage of Appellate Court Proceeding*, continued

4. This notice of request for expanded news media coverage is filed: *Check one*

- A. ☐ No later than the Friday immediately preceding the week in which the argument is to be held; or
- B. ☐ This notice cannot be filed on or before the Friday immediately preceding the week in which the argument is to be held because of the following reasons:

5. A copy of this notice will be sent electronically, delivered by ordinary mail, or delivered in person to the last known address of all attorneys of record, parties appearing without attorney representation, the state court administrator, and the justice or judge expected to preside at the oral argument for which expanded news media coverage is requested, as follows:

Attorneys: _____

Parties appearing without attorney representation: _____

State Court Administrator: _____

Presiding Justice or Judge: _____

6. The undersigned news media coordinator requests expanded news media coverage of this proceeding as described in this notice.

/s/ _____
News media coordinator's signature

News media coordinator's printed name

Mailing address

City *State* *ZIP code*

(_____) _____
Phone number

Email address

Additional email address, if available